

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JULIAN CURRY,

Plaintiff,

v.

TACOMA POLICE DEPARTMENT, et al.,

Defendants.

No. C10-5034 FDB/KLS

ORDER TO SHOW CAUSE

This matter comes before the Court on Plaintiff's proposed civil rights complaint. Dkt. 1. To file a complaint and initiate legal proceedings, a plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

On January 8, 2010, Plaintiff filed an application to proceed *in forma pauperis* and a proposed civil rights complaint. Dkt. 1. On February 9, 2010, the Clerk sent a letter to Plaintiff advising him that he must submit an updated trust account statement showing transactions for the past six months. Dkt. 2. Plaintiff has not responded to the Clerk's letter or submitted an updated trust account statement to support his application to proceed *in forma pauperis*.

The court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the court has broad

discretion in denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), cert. denied, 375 U.S. 845 (1963).

Pursuant to 28 U.S.C. § 1915(a)(2):

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor . . . shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.

By letter dated February 9, 2010, the Court Clerk advised Mr. Curry that he was required to submit a trust account statement reflecting balances for the six months preceding the filing of his application, and that he should do so on or before March 11, 2010. Dkt. 2. Mr. Curry has not submitted an updated trust account statement.

Accordingly, it is **ORDERED**:

(1) Plaintiff shall submit a copy of his prison trust account statement showing the balance and activity of his account for the six-month period immediately preceding the filing of his petition **on or before April 9, 2010**. Alternatively, Plaintiff shall pay the full \$350.00 filing fee required to proceed with this action on or before **April 9, 2010**.

(2) Failure to cure these deficiencies by the above date shall be deemed a failure to properly prosecute this matter and the Court will recommend dismissal of this matter.

(3) The Clerk is directed to send a copy of this Order to Plaintiff.

**DATED** this 23rd day of March, 2010.



Karen L. Strombom  
United States Magistrate Judge